

REMARKS/ARGUMENTS

Claims 3 and 5 remain in this application.

Claims 1, 2, 4 and 6-11 have been cancelled.

Claim 12 is new.

The rejection of Claim 11 is no longer in issue since this claim has now been cancelled along with the cancelling of Claims 2, 4 and 6-10. In an effort to directly define what are believed to be the inventive aspects of the present invention over the prior art, Claims 3 and 5 have now been rewritten in independent form with these claims also including substantial amendments. New Claim 12 has been added which is dependent from Claim 5 which includes the subject matter which is defined also in independent Claim 3. The rejections of Claims 1, 2, 4 and 6-11 is to no longer be in issue since these claims have now been canceled.

Claim 3 has been rejected under 35 U.S.C. § 102(b) as being anticipated by the reference to Bagg. This rejection is respectfully traversed. It is agreed that Bagg shows a waste collecting assembly that utilizes a shovel which is enclosed by a hood. The structure of the present invention is directed to a single layer spatula which is not shown or taught by Bagg.

The Examiner has also cited Bagg as showing a roughened surface by the inclusion of holes 121 within the spatula. The purpose of the holes 121 is to permit small particulate matter to fall free of the shovel. Applicant is not interested in having small

particulate matter escape the scooping member. However, applicant has discovered that the including of a roughened surface will prevent the collected litter from sliding off of the spatula. Therefore, Claim 3 has been amended to state that the top surface having a roughened area with this roughened area comprising a mass of evenly spaced apart recesses where each recess has a closed bottom (no hole). Such a roughened area is not shown or taught by Bagg. Therefore, it is believed that Claim 3 constitutes allowable subject matter.

It is also to be noted that an amendment has been made in conjunction with the specification clearly describing the roughened area which was originally disclosed by being shown within the drawing. Therefore, it is believed that no new matter has been added in relation to the description of what constitutes a roughened area.

Claim 5 was previously rejected under 35 U.S.C. §103(a) as being unpatentable over the reference to Bagg in view of Carpol and Larsson. The reference to Carpol was applied as showing handles in conjunction with the bag. This feature is not being claimed within Claim 5 and therefore the addition of Carpol is not clearly understood. It is agreed that Larsson shows a shovel, or the equivalent thereof, where the leading edge is formed into a series of sharpened points. It is discovered that this type of structure does not easily pick up litter especially on a hard surface, such as cement or asphalt. The structure of the present invention is not only usable on grass but is readily usable on hard surfaces. The reason for this is that the leading edge of the spatula is formed into a series of scallops which are defined as a series of smoothly, contoured bumps. Again, the specification has been amended to clearly describe what constitutes scallops and it is believed that no new

matter has been added since these scallops were clearly shown in the drawing. Since the combining of the references of Bagg and Larsson do not show the scooping edge being scalloped forming a series of smoothly, contoured bumps, it is believed that Claim 5 clearly defines allowable subject matter and that this claim should also be allowed.

Claim 12, which has been added, is dependent from Claim 5 and is directed to what is believed to be inventive subject matter defined within Claim 3. The adding of this additional subject matter to what is believed to be the patentably distinctive subject matter of Claim 5 further defines allowable subject matter and it is believed that Claim 12 should also be allowed.

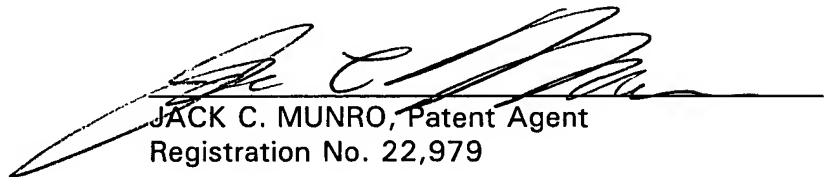
The citing of the remaining prior art as being of interest has been noted.

In view of the foregoing amendments to the claims and arguments presented herein, it is believed that the claims as now submitted clearly define allowable subject matter over the references of record. It is courteously requested that this application be reconsidered, such reconsideration being favorable resulting in passing of this application to issue.

Amendment to PET LITTER COLLECTION BAG AND SPATULA
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Page 9 of 9

The Commissioner is hereby authorized to charge any additional fees which
may be required, or credit any overpayment to account No. 13-4899.

Respectfully submitted,



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